

Maryland Department of the Environment
Water Management Administration
Nontidal Wetlands and Waterways Division
2500 Broening Highway
Baltimore, MD 21224
(410) 631-8094

UG MARYLAND YMF STATE WETLAND CONSERVATION PLAN

MEETING MINUTES

Meeting Date: February 29, 2000

Location: Anne Arundel County, Department of Public Works
2662 Riva Road
Annapolis, MD

Workgroup members in attendance	Workgroup members not in attendance	MDE Staff, Speakers, Visitors
Danielle Lucid (MD Department of Natural Resources) Mike Fritz (Environmental Protection Agency) Pete Alexander (MD Forest Association) Tom Benassi (Baltimore Gas & Electric) Greg Harper Jenn Aiosa (Chesapeake Bay Foundation) Anne Lynn (Natural Resources Conservation Service) Catherine Rappe (MD Department of Natural Resources) Ren Serey (Critical Area Commission) Lee Anne Chandler (Critical Area Commission) Bob Kaufman (MD Builders Association) Lynn Stemmy (MTR SWQAC) Bob DeGroot (MCC) Larry Liebesman (MD Builders Association) Mildred Kriemelmeyer (MD Conservation Council) Diana Reynolds (MD Department of Agriculture) Steve Bunker (Nature Conservancy) Jeff Trulick (U.S. Army Corps of Engineers) Susan Jacobs (MD State Highway Admin.) Zoe Piendak (DBED – Gov. Office of Business Advocacy) Joe Berg (for Keith Bowers of BioHabitats) George Wilmot (MD Conservation Council) Don Outen (Baltimore Co. Dept. of Environmental Protection & Resource Mgmt.) Barbara Samorajczyk (MD Association of Counties) William Giese (MD Association of Soil Conservation Districts)	Bob Agee (MD Aggregate Assoc.) Mark Colosimo (U.S. Army Corps of Engineers) Keith Bowers (BioHabitats) Lynne Hoot (MD Association of Soil Conservation Districts) Louise Lawrence (MD Department of Agriculture) Ed Temple (Ducks Unlimited) Leon Donaldson (Morgan State University) Steven Pugh (U.S. Army Corps of Engineers, Baltimore) Kevin Kelly (Environmental Systems Analysis, Inc.) Regina Poeske (Environmental Protection Agency) Mary Abrams (MD Office of Planning)	Gary Setzer (MDE) Terry Clark (MDE) Denise Clearwater (MDE) Julie LaBranche (MDE) Michael McCoy (MDE) Ty Stinson (MDE) Bill Jenkins (MD Department of Natural Resources)

I. Introduction and Opening Remarks

Linda Harper began the meeting at 9:15 am. with introduction of work group members. Minutes from the last meeting were accepted by the work group. Denise Clearwater (MDE) introduced the new work group members: Suzie Jacobs, State Highway Administration; Barbara Samorajczyk, Maryland Association of Counties; Mary Abrams, Maryland Office of Planning; Zoe Piendak, Governor's Office of Business Advocacy; Don Outen, Baltimore County Dept. of Environmental Protection and Resource Management. Members that have been invited but were not in attendance include: Tim Goodger, National Marine Fisheries; Larry Simms, Watermens Association; Richard Hersey, Herring Run Watershed Association; David Bibo, Maryland Port Administration (in process of defining goals and may tentatively join the work group).

Linda asked for feedback from the work group regarding the development and functionality of the new SWCP website and email list. Some problems experienced by work group members included inability to open Microsoft Word documents attached to emails. Michael McCoy (MDE) gave an overview and demonstration of the new SWCP website: currently accessible only to SWCP work group members; web address sent out to work group via email; meeting documents such as hardcopy of presentations, minutes and related additional information or documents will be posted. Michael asked the work group for general comments and suggestions to improve the website and make it more useful for the work group.

II. Presentations

The work group had requested an update on the most current wetland inventory maps. The National Wetland Inventory (NWI) wetland maps were the most current statewide data available. Denise Clearwater (MDE) presented a brief overview on the status of the state wetlands mapping project (DOQQ maps) which when completed will be the most current wetland maps for the State. The status of the mapping project is illustrated on a map handout (check the website for this map in the future). The entire Coastal Plain region will be completed in approx. 2 years. The project needs approximately \$180,000-200,000 in additional funds to be completed statewide. Most parts of this project were funded by local sources or Coastal Zone Management Program funds.

Denise Clearwater (MDE) gave a presentation about *Wetlands Restoration in Maryland* (see website for hardcopy). The presentation described the efforts on meeting the Governor's voluntary wetland restoration goal of 60,000 acres.

Denise Clearwater (MDE) gave an overview of the status of the annual report for the Programmatic General Permit by the Army Corps of Engineers. The timeframe for completion of the annual report is unknown but the Corps is working on the report.

Regarding the 60,000 acre restoration goal - How does this figure break down into different land use types and how is it applied for wetland creation and restoration? *Much of these efforts are focused on agricultural lands; the agricultural community does not entirely support this focus on agricultural lands in the restoration effort. There has been recent interest from the mining community to incorporate wetlands restoration into their reclamation activities.*

Presentation by Bill Jenkins (DNR) on "The Green Infrastructure Land Network: a reference for smart growth land use decisions" (refer to website for hardcopy). The Green Infrastructure program serves as a conservation guide to protect ecologically valuable lands in Maryland. The program

addresses resource conservation and land use issues and supports public and private sector conservation efforts. Look for the Revised Greenways Atlas to be completed by April, 2000 which contains maps of existing greenways by county. A greenways conference for Fall, 2000 is being proposed.

BREAK

Presentation by Michael McCoy (MDE) regarding the success and lessons learned from various wetland conservation plans completed or proposed by other states. Refer to the SWCP webpage for a copy of the presentation.

Barbara Samorajczyk (MACO): Most plans reviewed were only proposed plans or strategies - few have actually been implemented. What does this say for the plan model we may use? There's a need to identify what the state's needs are before we go ahead with development of the plan.

Gary Setzer (MDE): Maryland already has a strong wetlands (tidal and nontidal) regulatory program and statute to begin with. Additional wetlands protection can be accomplished under the watershed protection policies already in place throughout the State.

Linda Harper asked that the work group compile a list of plan criteria. Following are some suggestions by the work group:

- Establish consensus or "buy in" from agencies and groups from the beginning.
- Work with the private sector and accept compromise to implement the plan
- Incentives
- Sensible regulations,
- Identify existing and additional funding sources
- Set manageable goals - be practical and realistic
- Who receives the document? How will the plan be implemented and by whom?

Denise Clearwater (MDE): The plan will be presented to the governor and specific components of the plan will be designated to the appropriate state and local agencies. Funding can be requested and funding requests can be plan recommendations. Established funding sources should also be utilized.

Linda Harper reviewed her summary of the Goals Homework. Following is a summary of the discussion (bullet point topics and specific questions from the work group).

- streamline federal, state and local process for business
- keep in mind basic goal of protection of the environment (water, wildlife) – don't lose track of the overall goal of environmental protection

Joe Berg (BioHabitats) – incorporate wetlands restoration and conservation into local and state infrastructure (ie. development plans and projects, construction, stormwater management) – help promote broader societal interest, wetland gains, improved resource management

Bob Kauffman (MBA): Science (baseline information/data), Time (regulations, when, how long), Balance (between gains and losses), Incentives (consider wetlands whenever and wherever possible)

Linda Harper asked the work group to consider and discuss the overarching goals of other plans with respect to development of the Maryland SWCP.

Denise Clearwater (MDE): Some states had very focused and limited goals for their plans. MDE's initial vision of the plan was to promote wise use of the resource through both regulatory and nonregulatory efforts. Maryland already addresses multiple environmental issues with respect to wetlands. The plan would address wise management of wetland resources.

Gary Setzer (MDE): The plan can not only address preservation of wetland resources but must provide for conservation and wise use to achieve overall consensus. This is what the Division of Wetlands and Waterways is looking toward and certainly protection would be a large component of the plan but also conservation and wise use.

Following is a summary of additional comments, questions and suggestions from the work group regarding topics from the Goals Homework.

- the plan should have realistic goals of protecting unique aspects of wetlands but also be prudent about wise use and management of wetland resources.
- this is a conservation plan so conservation should be the focus/objective.
- improvement of existing programs, regulations and laws
- public education
- others (agencies, groups, etc.) will recognize the plan and the plan must define criteria and actions to incorporate others working with wetlands.
- focus on watershed management for long term protection of the resource and making decisions about the landscape

Mike McCoy (MDE): plan should have a way to evaluate goals – whether met or not met; measurable goals, for example, goal of no net loss of wetlands and long-term net gain

Steve Bunker – The term “wise use” has many very different meanings. While losses are realistic they must be balanced with protection, regulation and mitigation of wetland resources. The “wise use” concept makes the regulatory and mitigation aspects more important.

Barbara Samorajczyk (MACO): Need to identify values and benefits, impacts, losses with respect to wetlands; the restoration goal of 60,000 acres by 2035 – how and why were these numbers chosen? Why would private interests and the public care about this?

Linda Harper asked the work group to consider whether the plan will recommend improvement from within the existing system or be innovative and do something new.

Mike McCoy (MDE): other states focused on improving existing systems and additions to existing regulatory programs to enhance protection of the resource

Bob Outen (Baltimore County, DEP): Will the Tributary Strategy model be used to develop the plan? Why or why not? *(The work group can decide to use the Tributary Strategy as a model. Denise Clearwater (MDE) will arrange for a presentation at the next meeting.)*

Gary Setzer (MDE): encouraged the group to focus on nonregulatory efforts and utilize the regulatory program as the safety net it was intended to be. Focus on protection at the local level

where land use decisions most widely impact wetlands. As far as development of the plan, the Tributary Strategy model should not be excluded as a tool.

Bob DeGroot (MAGIC): Need to be aware of where wetland restoration is most important geographically (ie. damage due to stormwater discharge) and focus on improving wetlands and waterways that have been degraded

Lee Anne Chandler (CAC): need to address local, federal, state barriers and voluntary efforts on the county level with respect to smart growth. Need to review recent trends in wetland management, preservation, conservation. What has been done and why?

Some additional questions and suggestions by the work group included:

- what is the maximum % development in a watershed when restoration is not possible? Might a goal be to not reach this point of “nonrestoration”?
- baseline data must be applicable on a local level (ie. Data precision, accuracy, scale of detail)
- rank wetlands by current and potential threats through inventory and assessment

Jenn Aiosa (CBF): the idea of ranking versus value could be problematic; perhaps an inventory of threats to wetlands rather than ranking; baseline data can be used to update information sources; focus on science-based information and baselines

Anne Lynne ((NRCS): come up with an action list of detailed tasks assigned to an agency or local group/agency, maybe on a watershed scale

Lance Thomas (Corps) – NWI maps, which have been used for delineation purposes, are not sufficient to apply to local-level planning efforts; need better, more detailed maps

Linda Harper: The group reiterated the need for an action plan and implementation timeline; clarification that the plan audience would be the Governor and all state and local level groups/agencies

Some questions and suggestions by the work group included:

- who will do the work recommended in the plan?
- the plan could be a framework, a jumping off point for local level efforts
- can the plan reach beyond a general statewide plan and address local concerns and problems?
- the plan should focus on overarching recommendations for statewide use

Gary Setzer (MDE): *The plan could be a statewide framework from which regional efforts will be defined based on region-specific needs and conditions.*

Denise Clearwater (MDE): *There is an existing management plan for the Coastal Bays which will be incorporated into the plan*

Linda Harper: In summary, the work group has defined that the plan will have statewide recommendations but also identify areas/regions where local level efforts are needed and include an implementation timeline.

The work group continued discussion of the Goals Homework including the following questions and suggestions.

- the plan would provide for progressive implementation; establish different goals over time; measurable and manageable goals
- the plan would allow for modifications over time – the plan should not be static or rigid or not able to be implemented – have benchmarks for periodic review, evaluation and modification as new information and data is available
- don't look too far into the future – not realistic to predict changes far down the road
- different timelines- precedents are State, 2010, and Chesapeake Bay Foundation, 2035
- who would implement the recommendations? What mechanisms for implementation?

Mike Fritz ((EPA): The plan may include methods and recommendations for the local level (ie. local watershed plans).

Anne Lynne (NRCS): What are the boundaries for the plan? Will they be addressed in the plan timeline? Will the plan timeline be flexible to allow for changes?

Gary Setzer (MDE): The plan should consider regulatory issues and take advantage of nonregulatory and volunteer opportunities. The plan would bring all the groups together – regulator, nonregulatory and volunteer - to work toward the same goals and promote a comprehensive approach to management of the resource.

Linda Harper: Recommended that the work group define and focus on a mission statement and overarching objective(s) and goals in the remaining time and continue with the discussion at the next meeting.

The following questions and suggestions were offered:

- maximize conservation as a vehicle for preservation – regulatory and nonregulatory aspects
- conservation/preservation through management of the resource and defining specific goals with respect to conservation, preservation and management of wetland resources
- balance economic and environmental concerns
- what other resources will be included in the plan? other components such as waterways, water resources, etc.? *(Denise Clearwater (MDE): Other resources can be added and incorporated into the plan.)*
- include watershed interests; what is the economic and environmental link – how are they related? Improving environment and economy can be mutually beneficial
- the plan should not balance between economics and environment – not a question of choosing one over the other which “balance” implies
- rather than balance, use “recognition”
- conflict is present between resources and economics, growth, etc. so recognition of all resources both environmental and economic
- should the conservation plan address this conflict – this is part of the regulatory process and may already be addressed by the State
- landowners need to understand why this resource is valuable to conserve and regulate

Agenda items for the next meeting:

- 1) Presentation on the Tributary Strategy Program
- 2) Gary Setzer – framework for MDE's vision of the SWCP
- 3) Further discussion of what additional resources will be considered
- 4) Denise Clearwater (MDE) will provide definitions of “conservation”

Next meeting on Tuesday, March 28th at 9:00 am. at a location to be announced. Meeting adjourned at 12:15 pm.

SUMMARY OF PLAN GOALS, CONSENSUS POINTS AND NON-CONSENSUS POINTS

Goal 1: Establish a Baseline – educate committee members through the process

Consensus was reached on the following points:

- List current inventories of wetlands and strive to update this list as a result of plan development
- Identify current maps and work to update
- Identify current resources and programs
- Identify trends and threats
- Formulate a statement of “understanding what we have lost”, impacts values and benefits
- Data should be science-based
- Data should be accurate, precise and at an appropriate scale for use at the local level

Consensus was not reached on the following point:

- Ranking wetlands according to threats

This point may be reviewed at the sub-committee level or by the group as a whole during plan development

Goal 2: Be proactive, include recommendations and establish an implementation timeline

Consensus was reached on the following points:

- Recommendations should be made at all levels. The plan should include recommendations to the governor and legislature, to state and regional agencies, statewide NGO's, and to local non-profits groups involved in wetlands
- The recommendations may include a framework and/or methodology for implementation.

Additional topics for the SWCP suggested by work group for the Goals Homework:

1) Regulatory

- Identify deficiencies, inconsistencies, gaps, needs
- Strive to be consistent with Smart Growth*
- Strive to be consistent across federal, state and local jurisdictions*
- Applications and permitting: review, access, procedures, enforcement
- Mitigation: ‘banking’, streamlining process, evaluation system (value, function, quality)

2) Nonregulatory

- Assess current programs and projects
- Integrate programs for efficiency
- Identify gaps
- Identify funding
- Identify partners
- Information access
- Make public connections and education (awareness)
- Increase public information

3) Special locations or areas of interest: coastal areas, dredging, habitat, commerce and business interests, agriculture, regional issues, staffing